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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/632,910

08/04/2003

Remo Corghi

CORGH113

2879

1444

7590

09/09/2004

BROWDY AND NEIMARK, P.L.L.C.  
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EXAMINER

SHAKERI, HADI

ART UNIT

PAPER NUMBER

3723

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/632,910	Applicant(s) CORGHI, REMO <i>CR</i>	
	Examiner Hadi Shakeri	Art Unit 3723	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                                          |                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                              | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                                     | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>032204 &amp; 110503</u> . | 6) <input type="checkbox"/> Other: ____                                                |

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## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because of legal phraseology. Correction is required. See MPEP § 608.01(b).
3. The disclosure is objected to because of the following informalities: page 5, line 11, "pin 11" should be changed to, --pin 111--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 12-20 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 recites the limitation "the axis" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "said tire bead" in line 10. There is insufficient antecedent basis for this limitation in the claim.

The language as written in claim 12, e.g., "the opposite direction" in line 11, renders the claim indefinite, since it is unclear whether a direction opposite to the perpendicular direction, or a direction oriented opposite to the center is being claimed.

Further regarding claim 12, "means" enabling the tool as recited in lines 6-12, is vague. It appears Applicant is attempting to claim both embodiments (e.g. Fig. 4 and Fig. 11) however, the language as recited for claiming both positions, i.e., gripping and extracting, is improper since both of these positions are met by the tool being in the perpendicular position (line 8, and line 11), which would not enable the extracting function. It is also noted that to claim such functions, two means are required, i.e., positioning means (100) and positioning/operation means (200).

Further regarding claim 12, even though characters in parentheses are not considered in a claim, in this case they create ambiguity. In line 4, Applicant is claiming a "rotary means" which would refer to the rotary shaft (3) and not the support and locking means (4) as defined by the specification (e.g., page 4, line 2). Further in line 15, connection "rod" is characterized by "16", "20" and "25", wherein (16) is defined by the specification as cylinder-piston unit (page 5, line 1), and (20) is defined as a profile plate, same page line 4.

Further the language, lines 13-18, which is considered to be directed to the subject matter, appearing to be patentable over prior art of record is not recited clearly and precisely to define the invention. Further the advancing and withdrawing means (10) is defined as part of the operating means (200), and as such the claim language appears to recite a means already claimed earlier, which would add to the ambiguities.

Applicant may wish to amend the claim to recite:

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An automatic device for demounting a tire (6) from a wheel rim (5), comprising:  
a frame (7) defining a longitudinal axis,  
rotary and support means (3, 4) for rotating and supporting the wheel rim and the tire,  
said means being associated with said frame,  
a demounting tool (15) operatively connected to a first positing/operating means (100)  
for positioning said tool in a seeking and gripping position in which the tool is parallel to said  
longitudinal axis or orientated in a first direction towards a center of the wheel rim for gripping a  
tire bead, and a second positing/operating means (200) for operating said tool for extracting  
said tire bead from the wheel rim in which the tool is positioned parallel to said longitudinal axis  
or orientated in a direction opposite to said first direction,  
wherein an intermediate portion of said tool is hinged to an end of a bar (14), said first  
positioning/operating means further including a connecting rod (16, 25), and wherein one end of  
said tool is hinged to said connecting rod, an opposite end of said connecting rod being coupled  
to said bar by a lever linkage (21), and  
said second positing/operating means further including an advancing and withdrawing  
means (10), and wherein said bar (14) further being fixed to said advancing and withdrawing  
means.

***Allowable Subject Matter***

6. Claims 12-20 (as best understood) would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
7. The following is a statement of reasons for the indication of allowable subject matter: a demounting tool hinged to the bar at an intermediate portion and to a connecting rod which is

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further coupled to the bar, and wherein the bar is further coupled to the advancing and withdrawing means in addition to the other limitations recited places the claims (as best understood) allowable over prior art of record.

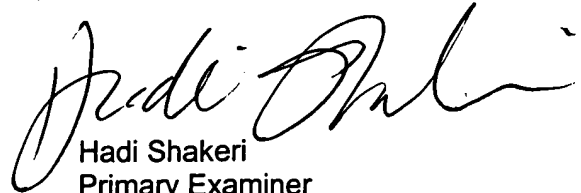
### ***Conclusion***

8. Prior art made of record and not relied upon are considered pertinent to applicant's disclosure. Mimura, Corghi, Bonacini, Schon et al., Houston et al., and Furrer are cited to show related inventions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Shakeri whose telephone number is 703-308-6279. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail, III can be reached on 703-308-2687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hadi Shakeri  
Primary Examiner  
Art Unit 3723  
September 3, 2004